



Delta Counties Coalition

Contra Costa County · Sacramento County · San Joaquin County · Solano County · Yolo County

"Working together on water and Delta issues"

My name is Pete Kutras; I am here today on behalf of the Delta Counties Coalition which is an ad hoc coalition of the Delta Counties of Contra Costa, Sacramento, San Joaquin, Solano and Yolo Counties. I want to thank the Delta Independent Science Board (ISB) for inviting us to be part of this stakeholder panel. I am here today instead of County Science Representatives pursuant to the request of the ISB to offer a non-scientist stakeholder view. I am not a scientist, unless of course you accept the Science portion of my undergraduate degree in Political Science! I am speaking to you from the perspective of someone with 35 years of public sector executive experience. Prior to beginning my consulting work I was the CEO for the County of Santa Clara.

I am going to try to focus my comments during this five minute over view portion of the panel on what we think we need from the ISB in order to make the best policy decisions using the Best Available Science.

It is clear that the ISB has a monumental task and charge under the Delta Reform Act. To date we have appreciated your candor, your hard work and your very useful review comments as the Delta Plan and other efforts regarding the Delta are proceeding.

As a coalition we have adopted a Statement of Principles for the Sacramento- San Joaquin River Delta and we have been working with the San Joaquin Valley Partnership which covers the seven counties south of the Delta on a Joint Resolution. We have consistently supported the development of science based solutions for the Delta.

We all are supportive of seeking out and applying the "Best available science" as called for in the Delta Reform Act of 2009. Water Code Section 85308 states "The Delta Plan shall meet all of the following requirements: (a) Be based on the best available scientific information and the independent science advice provided by the Delta Independent Science Board." "Best available science" is also defined in the Delta Plan itself to include peer review. See Table 2.1 of the Delta Plan Draft 5.

In addition to the Best Available Science Standard in the statute, we have 7 suggestions for the Delta ISB:

1. Require peer review of Delta Science recommendations/Projects and that it should be done in coordination with the Delta Counties.

For example, the DCC recognizes that the science behind BDCP proposals is evolving, but believes it is essential that the Counties be a part of a process through which the science is independently evaluated in a manner that integrates consideration of relevant public policy concerns. Such work will increase the credibility of BDCP proposals and help minimize impacts by establishing a process that allows for a more detailed approach to ecosystem, infrastructure, and other changes to the Delta.

When science and planning are applied there will be an inevitable need for more information both for scientists and policy makers alike. The work effort to collect that information and any required additional studies or peer review will be most effective, and cost efficient, if the effort is tied to a public technical working group. Key scientific and policy issues need to be explored intensively in a public setting, such as through a public technical working group, so that both scientific and policy decisions are made in an informed manner that includes members of the public.

2. Scientific Recommendations/Projects must include governance protocols to implement the adaptive management criteria, including applicable local government entities with jurisdiction.

This would include taking into consideration local practices and applicable standards, ordinances and land use practices as well as HCP's; NCCP's all of which can only be done properly if local governments are closely involved.

Additional concerns regarding adaptive management:

If adaptive management criteria are to be implemented as is currently described in the Delta Plan, who is going to make the decision and how is it going to be implemented? There are many unanswered questions about how local government will play into it and who will pick up the costs associated with changes in everything from re-vamping program and site-specific protocols for maintenance, monitoring, and reporting. For instance, in current permitting programs, most permits are viable for 2 to 5 (some more) years before re-issuance and implementation of new rules . . . a long lag time.

3. Scientific Recommendations/ Projects should have clear measurable outcomes including the responsible agency that will provide ongoing monitoring and reporting of outcomes.
4. Scientific Recommendations/ Projects should have a range of scalable implementation options; a projection of the level of improvement from each option and the ongoing monitoring and support required to demonstrate the improvement
5. Scientific Recommendations/ Projects should include both the evaluation and mitigation of financial impacts to adjacent parcels and address sustaining the social, economic, and agricultural and natural resource values that currently exist in the Delta.
6. Scientific Recommendations/Projects must take into consideration existing responsibilities, entitlements or vested rights of the people/entities affected by the implementation of

scientifically justified practices; possible implementation of a phasing plan could assist in both verifying effectiveness of a practice to verify adaptive management protocols are effective.

7. Scientific Recommendations/Projects should include a summary in non-scientific language of the benefits and potential risks of implementation and estimate of percentage impact to the Delta. Example: This project will result in improvement to existing wet lands (# of improved acres) and increased wet lands acreage (# of acres). The overall Delta environment will see an x% increase in wet lands acreage and the improved wet lands represent x % of all existing Delta Wet lands. However, the increased wet lands acreage will potentially increase mercury found in certain fish species found in wet land habitats. This may increase the public health risk to those who consume fish caught in these habitats. Additional impacts could include x, y and z.

Some responses to some of the Specific ISB Panel Questions (presented based on time available):

1. In what ways do you feel Delta science is a) meeting the challenges of water and environmental management in the Delta, and/or b) not meeting these challenges?

It's difficult to measure this currently because of the sheer volume of Delta-related information County governmental staff is being asked to review and respond to. Bluntly, how can we assimilate the volume of information that is constantly produced given our limited staffing and expertise? And in turn, how can we effectively protect and advance the interests of our constituents? These resource constraints can fuel confusion and mistrust.

The newsletters to date are helpful, but since many of the staff who are on point to review the work done by this group are not scientists, we need explanations and information in lay terms. Also, we want to make sure our concerns about invasive species, water quality impacts (including those directly related to the introduction of aquatic habitat in new areas), and how adaptive management results will be weighed, reported on and adjusted to ensure the habitat remains sustainable are all addressed in an equitable manner.

2. What factors have led to science being effective in addressing today's critical issues, and what factors have led to it being ineffective?

At this point there are numerous scientific unknowns. This creates extreme anxiety for local governments that will be stuck with managing damaging impacts in an environment where requests for guarantees of full mitigation for impacts generally receive a hostile reception. Because of the speed with which the process is moving, it will be impossible to know all the impacts for many years. For the science to be effective, these issues must be addressed in ways that ensure the environmental, financial and social integrity and sustainability of the Delta.

3. What are the emerging critical issues in the Delta that science will need to have addressed a decade from now?

Measurement and monitoring of flow to maintain a healthy estuary; Water quality and salinity, compatible ecosystem design (no under-seepage onto neighboring islands / properties, no weakening of flood protection role of Yolo Bypass, etc.), and measurement & mitigation for socio-economic impacts from each & cumulative ecosystem & conveyance project(s)

4. What should we be doing now and over the next few years to ensure these scientific issues are addressed?

A standard yet flexible rubric must be provided that addresses all likely impacts and leaves room to include outliers that could also arise in other circumstances. This is best achieved by engaging local stakeholders early in the planning process to identify as many potential issues as possible, then building upon that knowledge base (and continually reporting results broadly).

5. To what extent is poor or incomplete communication of science an issue in the Delta? How can and how should the communication of science be improved?

See Responses to questions 1 and 4.

6. Should separate and distinct roles be assigned to different sectors of the science community in the Delta (e.g., state agency scientists, academic scientists, NGO scientists, federal agency scientists, consulting firm scientists, water contractors, and municipal utility districts)? If so, what are these separate and distinct roles?

Yes, there should be separate and distinct roles. State and Federal agency scientists and the agencies they work for have a duty to the public and the environment generally. Their impartiality and commitment to a sound outcome should give them a predominant role in science based decisions affecting the Delta. Other scientists may play an important contributory role, but should not supplant state or federal agency scientists.